

Appl. No. 10/049,431
Amdt. dated July 28, 2003
Reply to Office Action of February 26, 2003

REMARKS

Claims 1-3 and 6-23 are presently pending. Claims 1-3 and 6-7 have been amended and new claims 8-23 have been added. Careful reconsideration of each and every claim is most respectfully requested.

Objections to the Drawings:

On page 2 of the Office Action, the drawings were objected to. These objections are respectfully traversed as set forth below.

The drawings have been proposed to be amended by a) including a schematic reference to the guide rails and b) removing non-English language (see markings in red ink on FIG. 1 attached to the Request for Approval of Drawing Corrections). No new matter has been added.

Withdrawal of these objections is most respectfully requested.

Objections to the Specification:

On page 2 of the Office Action, the specification was objected to. These objections are respectfully traversed as set forth below.

In this response, a new page entitled Abstract is now added. No new matter has been added.

Withdrawal of these objections is most respectfully requested.

Appl. No. 10/049,431
Amdt. dated July 28, 2003
Reply to Office Action of February 26, 2003

Objections to the Claims:

On pages 2-4 of the Office Action, claims 1-3 and 6-7 were objected under MPEP 608.01 (m) and 37 C.F.R. 1.75(i) and were rejected under 37 C.F.R. 112, second paragraph. It is most respectfully submitted that the present claims are appropriate. Withdrawal of these objections and rejections is most respectfully requested.

Rejections Based On References:

On pages 4-5 of the Office Action, claims 1 and 6-7 were rejected under 35 U.S.C. 102(b) over Smith, et al., and claims 2-3 were rejected under 35 U.S.C. 103 over Smith, et al., in view of Hart. These rejections are most respectfully traversed, as set forth below.

Claims 1 and 6-7:

First, it is respectfully noted that the Smith shows a multitude of sort paths and does not indicate that two of its sorting transport rails can be employed.

Second, Smith includes a "re-circulation" loop and does not, among other things, contemplate the combination of features recited in independent claim 1, including, among other things: "providing each sorting step with a new pair of first and second storage areas such that storage areas of each sorting step serve as separate source storage areas for subsequent steps." See, by way of example, the embodiment shown in FIG. 1 of the present application.

Third, among other things, the features recited in claim 1 can, in some instances, achieve one or

Appl. No. 10/049,431
Amdt. dated July 28, 2003
Reply to Office Action of February 26, 2003

more of the advantages related to the first embodiment shown in FIG. 1 of the present application. For example, in some constructions, the embodiment shown in FIG. 1 permits the sorting of groups of objects generally concurrently (in some embodiments), such as, e.g., because multiple storage areas are provided. For example, in some embodiments, a new group of objects could be introduced for sorting as long as an earlier group of objects has moved downward enough to enable sorting of the new group (i.e., while the initial group may not necessarily have to be completed prior to introduction of the second group).

Accordingly, claim 1 should be allowable. Claims 6-7 depend ultimately from claim 1 and should, thus, also be allowable. In addition, claims 6-7 recite other features that are not taught or suggested by the cited references. Independent consideration of these claims is most respectfully requested.

Claims 2-3:

With respect to the Examiner's rejections of claims 2 and 3 based on Smith in view of Hart, these rejections are most respectfully contested.

First, claims 2-3 depend ultimately from claim 1 and should, thus, also be allowable because, as set forth above, the references do not teach or suggest the features now recited in claim 1.

Second, it is most respectfully submitted that there is no motivation or suggestion to combine the Hart "pre-groups" with the Smith system, much less with a Smith system modified to have two sorting rails.

Third, it is most respectfully submitted that even if improperly combined, the features of claims 2 and 3 are not suggested by the combination of references, including that the subgroups have the particular features recited in claim 2 and that the subgroups are combined in the manner as recited in claim 3.

Appl. No. 10/049,431
Amdt. dated July 28, 2003
Reply to Office Action of February 26, 2003

Withdrawal of the rejections is most respectfully requested.

Newly Added Claims:

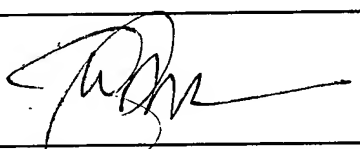
Newly added claims 8-23 recite additional combinations of features that are also not taught or suggested in the cited references. Independent consideration of each and every claim is most respectfully requested.

Appl. No. 10/049,431
Amdt. dated July 28, 2003
Reply to Office Action of February 26, 2003



Concluding Remarks:

Reconsideration of the instant application, withdrawal of all rejections and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application. The undersigned hereby certifies that this document and the accompanying Request For Approval of Drawing Changes have been timely filed via facsimile to 703-306-4195 on Monday, July 28, 2003.

| RESPECTFULLY SUBMITTED, | | | | | |
|-------------------------|--|-------|----------------|----------|----------------|
| NAME AND REG. NUMBER | Stephen B. Parker, Registration No. 36,631 | | | | |
| SIGNATURE |  | | | DATE | 7/28/03 |
| ADDRESS | Rothwell, Figg, Ernst & Manbeck Suite 800, 1425 K Street, N.W. | | | | |
| CITY | Washing ton | STATE | D.C. | ZIP CODE | 20005 |
| COUNTRY | U.S.A. | TEL: | (202) 783-6040 | FAX | (202) 783-6031 |

I:\DATA\Clients\2923\PTO papers\2923-517 amendment

RECEIVED
OCT 07 2003
GROUP 3600

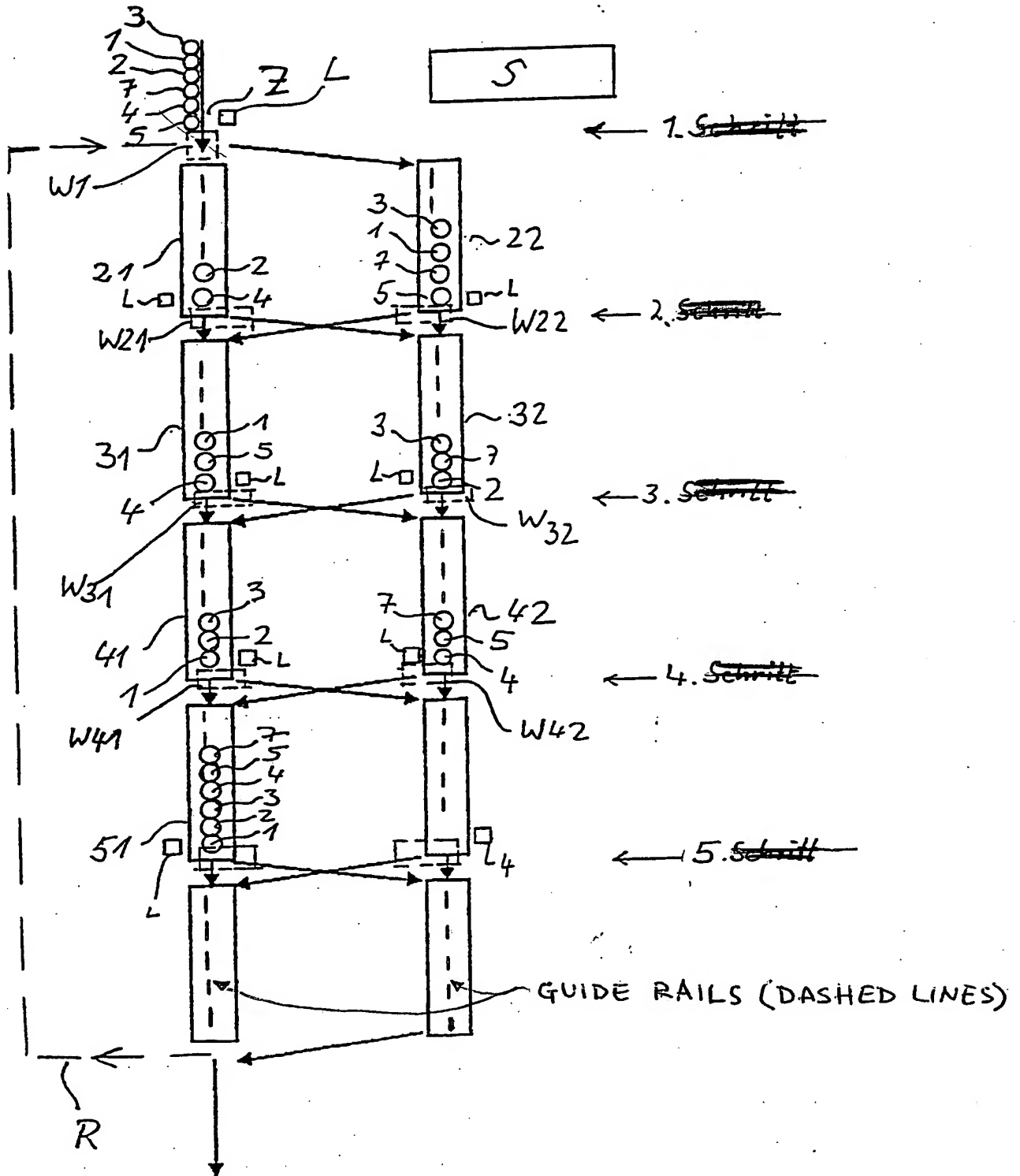


FIG. 1.